

BEFORE THE COMMISSION FOR COMMON-INTEREST
COMMUNITIES AND CONDOMINIUM HOTELS
STATE OF NEVADA

JOSEPH (JD) DECKER, Administrator,
REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY, STATE OF
NEVADA,

Case No. 2015-2028

Petitioner,

vs.

MARIA LIMON,

Respondents.

FILED

DEC 17 2015

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

**COMPLAINT FOR DISCIPLINARY
ACTION AND NOTICE OF HEARING**

The Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division"), by and through its counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Michelle D. Briggs, Senior Deputy Attorney General, hereby notifies Respondent MARIA LIMON (the "RESPONDENT") of an administrative hearing before the Commission for Common-Interest Communities and Condominium Hotels, State of Nevada, which is to be held pursuant to Chapters 233B and Chapters 116 and 116A of the Nevada Revised Statutes ("NRS") and Chapters 116 and 116A of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine if an administrative penalty will be imposed on RESPONDENT pursuant to the provisions of NRS and NAC including, but not limited to, NRS 116A.900 and NAC 116A.360.

JURISDICTION AND NOTICE

1. MARIA LIMON'S community manager certificate (CAM.0001813-SUPR) was summarily suspended by the Division on June 3, 2014.

2. Since June 3, 2014 up until LIMON reported to federal prison in September of 2015, LIMON performed the services of a community manager for common interest communities located in Las Vegas, Nevada.

3. LIMON is subject to the provisions of Chapters 116 and 116A of both the

1 Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC") and is subject
2 to the jurisdiction of the Division, and the Commission for Common Interest Communities and
3 Condominium Hotels.

4 FACTUAL ALLEGATIONS

5 4. On or about May 22, 2014, LIMON pled guilty to one count of conspiracy to
6 commit wire and mail fraud as part of the massive HOA corruption case prosecuted by the
7 U.S. Department of Justice.

8 5. The Division summarily suspended LIMON'S certificate on June 3, 2014.

9 6. On July 9, 2014, this Commission revoked LIMON'S certificate.

10 7. Ultimately, LIMON was sentenced to 6 months in prison, followed by 3 years of
11 supervised release and ordered to pay restitution in the amount of \$24,000.

12 8. LIMON was ordered to self-surrender to federal custody no later than August 21,
13 2015.

14 9. At the time of her suspension and subsequent revocation, LIMON worked for
15 Diamond Head Villas Association, Inc. ("Association").

16 10. On or about January of 2015, the Division received an Intervention Affidavit
17 against the Association and sent the board a letter regarding a conference with the
18 ombudsman's office.

19 11. The Division received a response from Carlos Calderon who represented that he
20 was a board member and the Association was self-managed after LIMON'S revocation, but
21 said he could not attend a conference as he was in Mexico.

22 12. The address for the Association according to the letter from Mr. Calderon was
23 the same as LIMON'S business address.

24 13. The Association did not submit an annual registration form for 2015 which was
25 due by the end of May.

26 14. The Division opened an investigation against LIMON for managing the
27 Association without a community manager certificate.

28 15. The Division noticed LIMON of the allegation by letter dated July 21, 2015.

16. The letter was signed for at LIMON'S residence, but no response was provided

1 to the Division.

2 17. The Division subpoenaed bank records for the Association and found that the
3 bank account had been closed the prior year.

4 18. The Division's investigation expanded to include Diamond Head Villas
5 Association Phase II ("Association Phase II"), the neighboring association that had also been
6 managed by LIMON prior to her revocation.

7 19. The Division subpoenaed bank records for a bank account belonging to
8 Association Phase II.

9 20. The bank records showed the account was opened by LIMON in 2012 and
10 LIMON was the sole signor on the account.

11 21. The bank records received were from January 2014 to the current date.

12 22. The account reflects deposits solely from assessment checks for both
13 associations.

14 23. Prior to LIMON losing her certificate, nearly all the money deposited into the
15 account, approximately \$49,000, was used for LIMON'S personal expenses, paid to her
16 husband's landscape company, or transferred to her personal bank accounts.

17 24. Assessment checks for both associations totaling approximately \$187,000 were
18 deposited into this account after LIMON lost her certificate through October 2015.

19 25. The bank records show that all checks written from the account were signed by
20 LIMON, including approximately 128 checks that were signed after LIMON lost her certificate
21 and 16 while she's been in prison.

22 26. LIMON'S husband, Osvaldo Hidrogo, received over \$35,000 through his
23 landscape company Hidrogo Lawn Maintenance.

24 27. LIMON paid Verizon Wireless, Cox Communications, various lenders, NV
25 Energy, and Century Link.

26 28. The bank records also reflect multiple on-line transfers to two other bank
27 accounts; one belonging to LIMON personally and one belonging to LIMON and the board
28 member who originally responded for the Association, Carlos Calderon.

29. Carlos Calderon is LIMON'S father.

1 30. The bank transfers to LIMON'S and Mr. Calderon's personal accounts total
2 approximately \$125,000 from January 2014 through October 2015; of which approximately
3 \$100,000 was transferred after LIMON lost her certificate.

4 31. Before reporting to federal prison in Victorville, California, LIMON told board
5 member, Willie Johnson, by text messages that she was going to receive chemotherapy
6 treatments for stomach cancer and would be back in 7 months.

7 32. The text messages state:

8 LIMON: Willie will have to cancel I am in pain

9 LIMON: What I needed to let you all know is no secret that I have a tumor in my
10 stomach I had surgery a year ago, it came back and it's seems it's staying.

11 LIMON: I will be out in chemo for at least 7 months but need this only job so my son will
12 help me. I apologize but it happen all of a sudden found out about two weeks ago.
13 Been going to see Drs. But no one wants to operate. So best thing is chemo, we all
14 know this won't work but we have to have hope and faith that something will right? So
15 wanted to say my good byes in case I don't make it. To let you know I will hang in there
16 to the end.

17 Board Member: Ok Maria I understand I'll be praying for you it's not over until God say
18 so let us know what you need us to do, I'll let Frances know also

19 LIMON: Yes I have not yet told Ed. I will he should be coming soon will let you all know
20 if he comes we may get together. I am in so much pain and all along I thought it was
21 acid reflux

22 Board Member: Take care of yourself and have faith in God

23 LIMON: Willie this is Carlos phone number 702-371-5535 in case he doesn't answer
24 you just leave him a message or text him he'll call you, he works but can be reached at
25 any time

26 Board Member: Ok thanks

27 LIMON: Oh and this is the gardeners number 702-358-4392 his name is Os, anything
28 you need let him know

33. "Os" is Osvaldo Hidrogo, LIMON'S husband, the owner of Hidrogo Lawn

1 Maintenance.

2 34. Board members did not know LIMON'S husband was the landscaper for their
3 association.

4 35. After board members for both associations were informed of the status of the
5 bank account by the Division, they hired a community manager.

6 36. The Association had a delinquent water bill of over \$5,000 and there was a
7 pending notice of disconnection.

8 37. The Association also had a delinquent bill from Republic Services of over \$6,000
9 dating back to June 2014.

10 38. Association Phase II had a delinquent water bill totaling over \$2,600 and a
11 Republic Services bill of over \$6,000 dating back to September 2014.

12 39. Neither association has a current insurance policy.

13 40. Neither association has any reserve funds.

14 **VIOLATIONS OF LAW**

15 41. LIMON violated NRS 116A.630(1)(a) by failing to act as a fiduciary in her
16 relationship with the Association.

17 42. LIMON violated NRS 116A.630(1)(b) by failing to exercise ordinary and
18 reasonable care in the performance of her duties.

19 43. LIMON violated NRS 116A.640(3) by commingling assessment checks for both
20 associations.

21 44. LIMON violated NRS 116A.640(4) by using money of the associations for her
22 own personal use.

23 45. LIMON violated NRS 116A.400(1) by engaging in the management of two
24 common-interest communities after the suspension and subsequent revocation of her
25 community manager certificate.

26 **DISCIPLINE AUTHORIZED**

27 Pursuant to the provisions of NAC 116A.360, the Commission has discretion to impose
28 discipline as it deems appropriate, including, but not limited to one or more of the following:

1. Revoke or suspend the certificate or temporary certificate;

2. Refuse to renew or reinstate the certificate;
3. Place the community manager on probation;
4. Issue a reprimand or censure to the community manager;
5. Impose a fine of not more than \$5,000 for each violation of a statute or regulation;
6. Require the community manager to pay restitution;
7. Require the community manager to pay the costs of the investigation and hearing;
8. Require the community manager to obtain additional education relating to the management of common-interest communities; or
9. Take such other disciplinary action as the Commission deems appropriate.

Pursuant to the provisions of NRS 116A.900 and based on LIMON'S conduct after losing her certificate, the Commission has discretion to impose discipline as it deems appropriate, including, but not limited to one or more of the following actions:

1. Impose a fine not to exceed the amount of any gain or economic benefit RESPONDENT derived from the violation or \$10,000, whichever is greater.

2. Require the RESPONDENT to pay the costs of the investigation and hearing; and

3. Take such other disciplinary action as the Commission deems appropriate.

The Commission may order one or any combination of the discipline described above.

NOTICE OF HEARING

PLEASE TAKE NOTICE, that a disciplinary hearing has been set to consider this Administrative Complaint against the above-named RESPONDENTS in accordance with Chapters 233B and 116 and 116A of the Nevada Revised Statutes and Chapters 116 and 116A of the Nevada Administrative Code.

THE HEARING WILL TAKE PLACE on February 2-4, 2016 beginning at 9:00 a.m. each day or until such time as the Commission concludes its business. **The Commission meeting on February 2, 2016, will be located at the Department of Business and Industry, 2501**

1 E. Sahara Avenue, 2nd Floor Conference Room, Las Vegas Nevada 89104, with
2 videoconferencing to the Department of Business and Industry, Director's Office, 1830
3 East College Parkway, Suite 100, Carson City, Nevada 89706. The Commission meeting
4 on February 3, 2016, will be located at the Nevada Department of Employment Training
5 and Rehabilitation, 2800 East St. Louis Avenue, Conference Room A-C, Las Vegas,
6 Nevada 89104, with videoconferencing to the Nevada Department of Employment
7 Training and Rehabilitation, 500 East Third Street, Carson City, Nevada 89713. The
8 Commission meeting on February 4, 2016, will be located at the Department of
9 Business and Industry, 2501 E. Sahara Avenue, 2nd Floor Conference Room, Las Vegas
10 Nevada 89104, with no videoconferencing.

11 YOUR RIGHTS AT THE HEARING: Except as mentioned below, the hearing is an
12 open meeting under Nevada's open meeting law, and may be attended by the public. After
13 the evidence and arguments, the commission may conduct a closed meeting to discuss your
14 alleged misconduct or professional competence. A verbatim record will be made by a certified
15 court reporter. You are entitled to a copy of the transcript of the open and closed portions of
16 the meeting, although you must pay for the transcription.

17 As a RESPONDENT, you are specifically informed that you have the right to appear
18 and be heard in your defense, either personally or through your counsel of choice. At the
19 hearing, the Division has the burden of proving the allegations in the complaint and will call
20 witnesses and present evidence against you. You have the right to respond and to present
21 relevant evidence and argument on all issues involved. You have the right to call and examine
22 witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant
23 to the issues involved.

24 You have the right to request that the Commission issue subpoenas to compel
25 witnesses to testify and/or evidence to be offered on your behalf. In making this request, you
26 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
27 Other important rights and obligations, including your obligation to answer the complaint, you
28 have are listed in NRS Chapters 116 and 116A and NAC 116 and 116A, including without

1 limitation, NRS 116.770 through 116.780, and NAC 116.500 through NAC 116.635, NAC
2 116A.550 through 116A.655, and NRS Chapter 233B.

3 Note that under NAC 116A.585, not less than five (5) working days before a hearing,
4 RESPONDENT must provide to the Division a copy of all reasonably available documents that
5 are reasonably anticipated to be used to support his or her position, and a list of witnesses
6 RESPONDENT intends to call at the time of the hearing. Failure to provide any document or
7 to list a witness may result in the document or witness being excluded from a
8 RESPONDENT'S defense. The purpose of the hearing is to determine if the RESPONDENT
9 has violated the provisions of NRS and NAC 116A, and to determine what administrative
10 penalty is to be assessed against RESPONDENT.

11 DATED this 16th day of December, 2015.

12
13 REAL ESTATE DIVISION
14 DEPARTMENT OF BUSINESS & INDUSTRY
15 STATE OF NEVADA

16 By: _____

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